

Quentin M. Rhoades
Nicole Siefert
RHOADES & SIEFERT, P.L.L.C.
430 North Ryman, Second Floor
Missoula, Montana 59802
Telephone: (406) 721-9700
Telefax: (406) 728-5838
gmr@montanalawyer.com
nicole@montanalawyer.com

David G. Sigale
Pro Hac Vice Counsel
LAW FIRM OF DAVID G. SIGALE, P.C.
799 Roosevelt Road, Suite 207
Glen Ellyn, IL 60137
Telephone: (630) 452-4547
Telefax: (630) 596-4445
dsigale@sigalelaw.com

Pro Querente

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

LENKA KNUTSON and SECOND AMENDMENT FOUNDATION, INC., Plaintiffs, v. CHUCK CURRY, in his official capacity as Sheriff of Flathead County, Montana, Defendant.	Case No. CV-16-62-DWM RULE 4 WAIVER OF THE SERVICE OF SUMMONS
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TO: CHUCK CURRY, Sheriff of Flathead County

I have received your request to waive service of a summons in this

action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from May 31, 2016, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

DATED this 1st day of July, 2016.



Chuck Curry, or Counsel



Printed Name

Attorney
Relationship to entity or authority to
receive service

820 S. Main Kalispell, MT 59901
Address

DRandall@Flathead.mt.gov
E-mail Address

406-758-5630
Telephone Number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Montana Rules of Civil Procedure has a provision to avoid the unnecessary expenses of serving a summons and complaint. A defendant who fails to return a signed acknowledgment and waiver of service requested by a plaintiff will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the acknowledgment and waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the acknowledgment and waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

LENKA KNUTSON and SECOND AMENDMENT FOUNDATION, INC., Plaintiffs, v. CHUCK CURRY, in his official capacity as Sheriff of Flathead County, Montana, Defendant.	Case No. CV-16-62-DWM RULE 4 NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF SUMMONS
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TO: CHUCK CURRY, Sheriff of Flathead County

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within (give at least 30 days or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

DATED this 2nd day of June, 2016.



Quentin M. Rhoades

Counsel for Plaintiffs

RHOADES & SIEFERT, P.L.L.C.
430 North Ryman, Second Floor
Missoula, Montana 59802

Telephone: (406) 721-9700

qmr@montanalawyer.com

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA

<p>LENKA KNUTSON and SECOND AMENDMENT FOUNDATION, INC.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>CHUCK CURRY, in his official capacity as Sheriff of Flathead County, Montana,</p> <p>Defendant.</p>	<p>Case No. CV-16-62-DWM</p> <p>RULE 4 WAIVER OF THE SERVICE OF SUMMONS</p>
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TO: CHUCK CURRY, Sheriff of Flathead County

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I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from May 31, 2016, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

DATED this _____ day of _____, 2016.

Chuck Curry, or Counsel

Printed Name

Relationship to entity or authority to
receive service

Address

E-mail Address

Telephone Number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Montana Rules of Civil Procedure has a provision to avoid the unnecessary expenses of serving a summons and complaint. A defendant who fails to return a signed acknowledgment and waiver of service requested by a plaintiff will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the acknowledgment and waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the acknowledgment and waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court.

UNITED STATES DISTRICT COURT

for the

District of Montana



LENKA KNUTSON and
SECOND AMENDMENT FOUNDATION, INC.

Plaintiff(s)

v.

CHUCK CURRY, in his official capacity as Sheriff of
Flathead County, Montana

Defendant(s)

Civil Action No. 9:16-CV-62-DWM

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Chuck Curry, Sheriff
Flathead County Sheriff's Office
920 South Main Street
Kalispell, MT 59901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Quentin M. Rhoades
Rhoades Seifert, PLLC
430 N. Ryman, 2nd Floor
Missoula, MT 59801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 04/19/2016

Asgoodwin

Signature of Clerk of Court



Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: